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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,709	10/06/2000	Raghavan Anand	2-17-16	2111

7590 10/17/2003  
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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT PAPER NUMBER

2613

DATE MAILED: 10/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/680,709

Applicant(s)

ANAND ET AL.

Examiner

Andy S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed with respect to claims 1-20 as filed in Paper 7 on 8/27/03 have been fully considered but they are not persuasive.
2. Claims 1-18 and 20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Aharoni et al., (hereinafter referred to as "Aharoni"), as set forth in the Office Action of Paper 6 mailed on 5/9/03.
3. Claim 19 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Aharoni et al., (hereinafter referred to as "Aharoni") in view of Chou et al., (hereinafter referred to as "Chou"), as set forth in the Office Action of Paper 6 mailed on 5/9/03.
4. The Applicants present two arguments contending the Examiner's rejections of claims 1-18 and 20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Aharoni et al., (hereinafter referred to as "Aharoni"), and rejection of claim 19 under 35 U.S.C. 103(a) as being unpatentable over Aharoni et al., (hereinafter referred to as "Aharoni") in view of Chou et al., (hereinafter referred to as "Chou"), as set forth in the Office Action of Paper 6 mailed on 5/9/03. However, after a careful consideration of the arguments presented, the Examiner must respectfully disagree for the reasons that follow.

After summarizing the instant invention (Paper 7: page 14, lines 1-26), the Applicants argue that Aharoni fails to disclose "a progressive video coder..." as in the claims (Paper 7: page 15, lines 1-20). However, the Examiner respectfully disagrees. It is noted that while a "computer word" search of the term was not found by Applicants (Paper 7: page 15, lines 6-10), a similar word that should have been associated with the progressive video coder by the applicant is

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“scaleable compression” discussed by the reference especially since it pertains to heterogeneous nature of the network as recited in the claims (Aharoni: column 7, lines 25-35). By means of the scaleable compression, a progressive video signal is generated, especially when compared to the Applicants admitted definition of a “progressive coded bitstream” (Paper 7: page 14, lines 14-26). Aharoni discloses producing not only five levels of coded signals, but at five levels of maximum bit rates (Aharoni: column 13, lines 1-25). Additionally, it is noted that the five levels can be sent out together one after another (Aharoni: column 11, lines 50-65), based on GOPs. Accordingly, the Examiner maintains that this limitation is met.

Secondly, the Applicants argue that since Aharoni discloses that a GOP must be coded at a first bit rate or first level, it fails to read of the increasing bit rate coding of the instant invention (Paper 7: page 15, lines 20-29; page 16, lines 1-10). The Examiner disagrees. It noted that since different level GOPs can be concatenated with each other, this reads on the process as in the claims which don’t stipulate at what level of the progressively coded bitstream the coding rates would change. Furthermore, since there is a dynamic adjustment of the quality to the available bandwidth on the client side, a change in bit-rates for the coded signal in Aharoni is expected. Accordingly, the Examiner maintains that this limitation is met.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-4700.

Andy S. Rao  
Primary Examiner  
Art Unit 2613

ANDY RAO  
PRIMARY EXAMINER

asr

October 14, 2003